

\*\*E-filed 1/22/07\*\*

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8 Attorneys for Plaintiffs  
9 UMG RECORDINGS, INC.; WARNER BROS.  
10 RECORDS INC.; CAPITOL RECORDS, INC.;  
11 ELEKTRA ENTERTAINMENT GROUP INC.;  
12 AND ARISTA RECORDS LLC

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN JOSE DIVISION

16 UMG RECORDINGS, INC., a Delaware  
17 corporation; WARNER BROS. RECORDS  
18 INC., a Delaware corporation; CAPITOL  
19 RECORDS, INC., a Delaware corporation;  
20 ELEKTRA ENTERTAINMENT GROUP INC.,  
21 a Delaware corporation; and ARISTA  
22 RECORDS LLC, a Delaware limited liability  
23 company,

24 Plaintiffs,

25 v.

26 SARA POSTER,

27 Defendant.

Case No. C06-2051 JF

Honorable Jeremy Fogel

***EX PARTE APPLICATION FOR LEAVE  
OF COURT TO CONDUCT DISCOVERY  
TO COMPLETE SERVICE AND  
[PROPOSED] ORDER***

1 Plaintiffs hereby request for leave of Court so that Plaintiffs may proceed with discovery in  
2 this matter in order to serve Defendant Sara Poster ("Defendant") with the summons and complaint.  
3 As explained in Plaintiffs *ex parte* application to continue the case management conference filed  
4 with the Court on January 4, 2007, Plaintiffs have been diligently attempting to serve Defendant  
5 with the summons and complaint, however have been unable to locate Defendant and find a valid  
6 address for her. Plaintiffs filed the complaint against Defendant on March 17, 2006. Since filing the  
7 complaint, Plaintiffs' counsel has spoken with Defendant three times by calling Defendant on her  
8 mobile telephone. In each of these conversations, Plaintiffs' counsel has described the nature of the  
9 case, and Defendant was informed that Plaintiffs are now attempting to serve her with the summons  
10 and complaint. Defendant has refused to give Plaintiffs an address for service. Plaintiffs' counsel  
11 has learned that Defendant was admitted as a member of the California Bar on December 1, 2006.  
12 Defendant verified this fact when Plaintiffs' counsel spoke with Defendant on November 21, 2006.  
13 Plaintiffs' have attempted to serve Defendant at the address provided on the California State Bar  
14 website, however the address provided for Defendant is a post office box, and therefore Defendant  
15 cannot be served at that address. Plaintiffs are diligently attempting to serve Defendant, and remain  
16 in the process of attempting to locate Defendant's address. However, recent attempts to serve  
17 Defendant at addresses found through investigation have proven unsuccessful. Plaintiffs therefore  
18 respectfully request the Court for leave of Court to initiate discovery so that Plaintiffs may locate  
19 Defendant and serve her with the summons and complaint.

20  
21 DATED: January 17, 2007

HOLME ROBERTS & OWEN LLP

22 By: /s/ Thomas Kerr

23 Thomas M. Kerr  
24 Attorney for Plaintiffs  
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**ORDER**

Good cause having been shown:

**IT IS ORDERED** that Plaintiffs are granted leave of Court to initiate discovery in order to locate Defendant and serve her with the summons and complaint.

Dated: 1/19/07

By: 

Honorable Jeremy Fogel  
United States District Judge